

REMARKS

The Examiner has required restriction of the following inventions:

- Group I: Claims 1 and 3-8, classified in class 398, subclass 9;
- Group II: Claims 10-17, classified in class 398, subclass 177;
- Group III: Claims 18 and 20, classified in class 398, subclass 34;
- Group IV: Claims 21-23, classified in class 398, subclass 79;
- Group V: Claims 25-32, classified in class 398, subclass 25; and
- Group VI: Claims 33-35, classified in class 398, subclass 33.

In order to comply with the Examiner's requirement, Applicants provisionally elect claims 1 and 3-9 for prosecution in the present application.

The Applicants note that the Office Action incorrectly omits claim 9 from

Group I. Applicants reserve the right to file one or more divisional applications directed to the remaining non-elected claims at a later date, if so desired. The Examiner's restriction requirement is respectfully traversed for at least the reasons set forth below.

Applicants respectfully direct the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added).

Further, there are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and there must be a serious

burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02.

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine existing claims 10-18, 20-23 and 25-35 because each of these claims is classified in an identical class and similar subclass.

Further, the lack of a burden is demonstrated by the USPTO's previous examination of all of the pending claims dating back to April, 2005.

Accordingly, Applicants respectfully request examination of claims 1, 3-18, 20-23 and 25-35.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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